

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JOHN FRANCIS HUTCHENS,  
Plaintiff,  
v.  
ALAMEDA COUNTY, et al.,  
Defendants.

Case No.: 4:11-cv-06478-YGR

**ORDER REGARDING PLAINTIFF'S  
FIRST AMENDED COMPLAINT**

On February 21, 2012, Defendants Alameda County and County of Alameda Sheriff Deputies filed a Motion to Dismiss Pursuant to F.R.C.P. 12(b)(1) and 12(b)(6). (Dkt. No. 9.) Plaintiff's opposition was due on March 9, 2012. (Dkt. Nos. 12 & 13.) On March 20, 2012, the Court issued a warning to Plaintiff to respond to the pending Motion to Dismiss by April 3, 2012 and re-set the hearing on the Motion for April 24, 2012. (Dkt. No. 16.)

Plaintiff filed a First Amended Complaint ("FAC") and opposition to dismissal on March 19, 2012 (Dkt. No. 17), which the Court had not yet received and processed when the warning was issued to Plaintiff. In light of Plaintiff's FAC, the Court deems the Motion to Dismiss moot because Plaintiff has responded by the deadline it imposed. The Court hereby VACATES the hearing scheduled for April 24, 2012. Defendants are ORDERED to respond to the FAC within twenty-one (21) days of this Order.

**IT IS SO ORDERED.**

Dated: April 2, 2012

  
YVONNE GONZALEZ ROGERS  
UNITED STATES DISTRICT COURT JUDGE